

REMARKS/ARGUMENTS

Reconsideration of this application in light of the above amendments is courteously solicited.

Applicants have amended claim 29 so as to overcome the objection raised by the Examiner on Page 2, paragraph 1 of his office action.

Claim 30 has been amended so as to overcome the objection under 35 U.S.C. 112, second paragraph, raised on Page 2, paragraph No. 2 of the office action.

Claim 31 has been amended so as to change the dependency from cancelled claim 26 claim 27 which has been rewritten in independent form.

As noted above, previously submitted dependent claim 27 has been rewritten in independent form. Applicant respectfully requests the Examiner to reconsider his rejection of claim 27 for the reasons set forth hereinbelow.

Claim 27 clearly sets forth at least one nozzle extending radially with respect to the axis of the hollow cutting-nozzle body which communicates with the annular space defined by the shut-off element and the hollow cutting-nozzle body wherein the shut-off element is reciprocated by means for providing a pulsed feed of fluid under pressure to the at least one radial nozzle. The prior art cited by the Examiner fails to teach, disclose, suggest, anticipate, or render obvious the subject matter of claim 27. None of the prior art references teach a cutting-nozzle element wherein pulsed fluid under pressure is delivered via at least one radial nozzle. The '384 patent delivers cutting fluid axially out of cannula 22. The '901 EP document is equally defective in that it delivers fluids axially out of handpiece one. The tertiary reference, '258, does not cure the foregoing deficiencies.

In light of the foregoing, it is submitted that all of the claims as pending patentably define over the art of record.

It is submitted that the instant amendment after final should be entered by the Examiner in that it does not raise new issues as claim 27 was previously presented and the amendments to claims 29 and 30 reduce the issues for appeal. In light of the foregoing, entry of the amendment is respectfully requested.

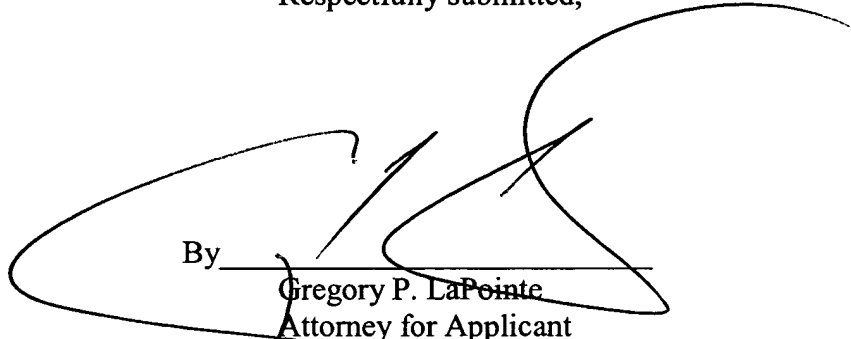
An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,

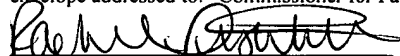
By



Gregory P. LaPointe
Attorney for Applicant
Reg. No. 28,395
Tel: (203) 777-6628
Fax: (203) 865-0297

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on August 6, 2003.



Rachel Piscitelli